The Tamil Nadu Stage Carriages and Contract Carriages (Acquisition) Act, 1973

Act 12 of 1973

Keyword(s):
Administrator, Arbitrator, Contract Carriage, Contract Carriage Operator, Motor Vehicle Act, State Carriage, State Carriage Operator

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THE TAMIL NADU STAGE CARRIAGES AND CONTRACT CARRIAGES (ACQUISITION) ACT, 1973.

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TAMIL NADU ACT NO. 12 OF 1973.[1]

THE TAMIL NADU STAGE CARRIAGES AND CONTRACT CARRIAGES (ACQUISITION) ACT, 1973.

[*Received the assent of the President on the 14th March 1973, first published in the* Tamil Nadu Government Gazette *Extraordinary on the 14th March 1973 (Panguni 1,Parithapi (2004-Thiruvalluvar Aandu)).*]

An Act to provide for the acquisition of stage carriages and contract carriages and for certain other matters connected therewith in the State of Tamil Nadu.

WHEREAS under clauses (*b*) and (*c*) of Article 39 of the Constitution of India, the State should, in particular, direct its policy towards securing that the ownership and control of the material resources of the community are so distributed as best to subserve the common good and that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment ;

AND WHEREAS for that purpose it is expedient to nationalise the transport of passengers by road in this State ;

AND WHEREAS it is necessary in the public interest to acquire all passenger transport divisions of all the stage carriage operators and the contract carriage operators in a phased programme within a period of five years ;

AND WHEREAS with a view to achieve the above purpose it is considered expedient to start with the acquisition of the passenger transport divisions in the revenue districts of this State wherein comparatively fewer number of stage carriages are operating ;

BE it enacted by the Legislature of the State of Tamil Nadu in the Twenty-fourth Year of the Republic of India as follows :—

Short title, extent, application and commencement.

1. (1) This Act may be called the Tamil Nadu Stage Carriages and Contract Carriages (Acquisition) Act, 1973.

(2) It extends to the whole of the State of Tamil Nadu.

[1] For Statement of Objects and Reasons, *see Tamil Nadu Government Gazette* Extraordinary, dated the 9th February 1973, Part IV—Section 3, pages 24-25.

(3) It shall apply to all stage carriages and contract carriages operating in this State on the 14th January 1973.

(4) (*a*) This section and sections 14, 15, 16 and 17 shall be deemed to have come into force in the whole of this State on the 14th January 1973.

(*b*) The rest of this Act shall,—

(i) in relation to its application to the contract carriages, come into force in the whole of this State on such date as the Government may, by notification, appoint;

(ii) in relation to its application to the stage carriages in the Nilgiris district, be deemed to have come into force on the 14th January 1973 ; and

(iii) in relation to its application to the stage carriages in any other district in this State, come into force on such date as the Government may, by notification, appoint, and different dates may be appointed for different districts in this State and for different provisions of this Act.

Declaration as to the policy of the State.

2. (1) It is hereby declared that this Act is for giving effect to the policy of the State towards securing the principles specified in clauses (*b*) and (*c*) of Article 39 of the Constitution and the acquisition therefor of the stage carriages and contract carriages and other property referred to in section 4.

Explanation.—In this sub-section, " State " has the same meaning as in Article 12 of the Constitution.

(2) (*a*) The acquisition of stage carriages shall commence with the district wherein comparatively fewer number of stage carriages are operating and such acquisition shall thereafter be made in the other districts in the order specified in the First Schedule within a period of five years.

(*b*) Clause (*a*) shall not be enforceable by any Court.

Definitions.

3. In this Act, unless the context otherwise requires,—

(*a*) " acquired property " means the stage carriages or the contract carriages and other property vesting in the Government under section 4 ;

(*b*) " administrator " means an administrator appointed under section 18 ;

(*c*) " amount " means the amount payable under this Act for the acquisition of the acquired property ;

(*d*) " arbitrator " means an arbitrator appointed under section 6 ;

(*e*) " authorised officer " means an authorised officer appointed under section 19 ;

(*f*) " award " means any award of an arbitrator made under section 6;

(*g*) " contract carriage " shall have the same meaning as in clause (3) of section 2 of the Motor Vehicles Act and includes —

(i) any movable property ancillary or incidental to the maintenance and control of such contract carriage; and

(ii) any right in or over such contract carriage or movable property ;

but does not include a motor cab or a tourist vehicle as defined in the Motor Vehicles Act;

(*h*) " contract carriage operator " means an operator holding one or more contract carriage permits ;

(*i*) " district " means the revenue district ;

(*j*) " Government " means the State Government;

(*k*) " Motor Vehicles Act " means the Motor Vehicles Act, 1939 (Central Act IV of 1939) ;

(*l*) " notified date " in respect of any stage carriage operator or contract carriage operator means the date specified in the notification issued under sub-section (1) of section 4 in respect of such stage carriage operator or contract carriage operator, as the case may be ;

(*m*) " operator " means any person whose name is entered in the stage carriage permit or contract carriage permit as the holder thereof ;

(*n*) " permit " means the permit granted under the Motor Vehicles Act authorising the use of a vehicle as a stage carriage or a contract carriage in any part of the State ;

(*o*) " person interested " in relation to any acquired property includes the stage carriage operator or the contract carriage operator and any secured creditor who has a charge, lien or any interest in the acquired property and any other person who is affected by the vesting of the acquired property and claiming, or entitled to claim, an interest in the amount ;

(*p*) " revenue district " means any area which for the purposes of revenue administration, is under the charge of a District Collector ;

(*q*) " stage carriage " shall have the same meaning as in clause (29) of section 2 of the Motor Vehicles Act and includes—

(i) any movable property ancillary or incidental to the maintenance and control of such stage carriage ;

(ii) any right in or over such stage carriage or movable property ; and

(iii) any reserve vehicles or vehicles run on temporary permits ;

(*r*) " stage carriage operator " means an operator holding one or more stage carriage permits ;

(*s*) words and expressions used herein and not defined but defined in the Motor Vehicles Act shall have the meanings respectively assigned to them in that Act.

Vesting of stage carriages, contract carriages, etc., in the Government.

4. (1) On and from such date as may be specified by the Government in this behalf by notification in respect of any stage carriage operator or contract carriage operator, every stage carriage or contract carriage owned or operated by such stage carriage operator or contract carriage operator along with the permit shall vest in the Government absolutely free from all encumbrances and such stage carriage or contract carriage which vests in the Government shall, by force of such vesting, be freed and discharged from any trust, obligation, mortgage, charge, lien, hire-purchase agreement or otherwise and all other

encumbrances or transactions affecting such stage carriage or contract carriage ; and any attachment, injunction or decree or order of any court restricting the use of such stage carriage or contract carriage in any manner shall be deemed to have been withdrawn ; and any person interested shall have no claim to or in relation to such stage carriage or contract carriage, except a claim to the amount payable in respect of such stage carriage or contract carriage under this Act.

(2) Upon the issue of a notification under sub-section (1) in respect of any such operator—

(i) all rights, title and interest of the stage carriage operator or the contract carriage operator, as the case may be, in or over such lands, buildings, workshops and other places and all stores, instruments, machinery, tools, plants, apparatus and other equipments predominantly used for the maintenance or repair of, or otherwise in connection with the service of, stage carriages or contract carriages as the Government may specify by order in this behalf ; and

(ii) all books of accounts, registers, records, and all other documents of whatever nature relating to the stage carriages or contract carriages vested in the Government under sub-section (1) or other property specified by the Government under clause (i) ;

shall vest in the Government absolutely and free from all encumbrances and such property referred to in this sub-section which vests in the Government shall, by force of such vesting, be freed and discharged from any trust, obligation, mortgage, charge, lien, hire-purchase agreement or otherwise and all other encumbrances or transactions affecting such property ; and any attachment, injunction or decree or order of any court restricting the use of such property in any manner shall be deemed to have been withdrawn ; and any person interested shall have no claim to or in relation to such property, except a claim to the amount in respect of such property under this Act.

(3) The stage carriages or contract carriages and other property vesting in the Government under sub-section (1) and sub-section (2) shall, with effect on and from the notified date, be deemed to have been acquired for a public purpose.

Duty of stage carriage or contract carriage operator to furnish particulars.

5. (1) Every stage carriage operator or the contract carriage operator shall, within thirty days from the notified date or within such further time as the Government may allow in this behalf,—

(i) furnish to the Government or any officer authorised by them in this behalf complete particulars of all liabilities and obligations incurred on the security of the acquired property and subsisting on the notified date and also of all agreements and other instruments pertaining to the acquired property including agreements, decrees, awards, standing orders and other instruments relating to leave, pension, gratuity, provident fund and other terms of services of any person referred to in sub-section (3) of section 20 in force immediately before the notified date and the Government shall afford him all reasonable facilities for this purpose ;

(ii) prepare and hand over to the Government or any officer authorised by them in this behalf the complete inventory of the property which vests in the Government under this Act ;

(iii) furnish to the Government or any officer authorised by them in this behalf such information and particulars as may be required by the Government in regard to the documents relating to the property which is acquired or is liable to be acquired under this Act.

(2) The stage carriage operator or contract carriage operator shall not destroy any such document as is referred to in clauses (i) and (iii) of sub-section (1) but shall hand over to the Government or any officer authorised by them in this behalf on the notified date all such documents and also such other documents as are necessary for ascertaining the terms of employment of the persons referred to in sub-section (3) of section 20 and for determining the amount under this Act.

Principles and method of determining the amount for the acquired property.

6. (1) For the vesting of the acquired property under section 4,every person interested shall be entitled to receive such amount as may be determined in the manner hereinafter set out as specified in the Second Schedule, that is to say,—

(*a*) where the amount can be fixed by agreement it shall be determined in accordance with such agreement;

(*b*) where no such agreement can be reached, the Government shall appoint as arbitrator a person who is, or has been, or is qualified for appointment as, a District Judge ;

(*c*) the Government may, in any particular case, nominate a person having expert knowledge as to the nature of the acquired property to assist the arbitrator and where such nomination is made, the person interested may also nominate an assessor for the same purpose ;

(*d*) at the commencement of the proceedings before the arbitrator, the Government and the person interested shall state what in their respective opinion is the amount payable ;

(*e*) the arbitrator shall, after hearing the dispute, make an award determining the amount which appears to him just and reasonable and also specifying the person or persons to whom the amount shall be paid ; and in making the award he shall have regard to the circumstances of each case and the provisions of the Second Schedule so far as it is applicable ;

(*f*) where there is any dispute as to the person or persons who are entitled to the amount, the arbitrator shall decide such dispute and if the arbitrator finds that more persons than one are entitled to the amount, he shall apportion the amount amongst such persons ;

(*g*) nothing in the Arbitration Act, 1940 (Central Act X of 1940), shall apply to arbitrations under this section.

(2) Every award made by the arbitrator under clause (*e*) of sub-section (1) shall also state the amount of costs incurred in the proceedings before him and by what persons and in what proportions such amount is to be paid.

Notice of determination of amount under section 6 to be given to all persons interested.

7. Reasonable notice in respect of the amount determined under section 6 shall be given to all the persons interested.

Claims for the amount.

8. (1) Any person interested claiming any amount determined under section 6 may within sixty days from the date of receipt of any notice given under section 7 or within such further time not exceeding thirty days as the authorised officer may in his discretion allow, prefer the claim before the authorised officer in such form and containing such particulars as may be prescribed.

(2) The authorised officer shall forward the claim made under sub-section (1) to the Government for the payment of the amount to the person interested in the manner specified under section 11.

Amount to be substituted security in certain cases.

9. Any debt, mortgage, charge or other encumbrance or lien, trust or similar obligation or any attachment, decree or order of any court attaching to the acquired property shall attach to the amount in substitution for the acquired property.

Amount liable to deduction in certain cases.

10. (1) The Employees' Provident Fund Commissioner or the Employees' State Insurance Corporation may send to the administrator or the arbitrator a certificate in respect of either the employer's contribution or the employees' contribution realised by the employer or any other dues recoverable from the employer under the Employees' Provident Funds and Family Pension Fund Act, 1952 (Central Act XIX of 1952) or the Employees' State Insurance Act, 1948 (Central Act XXXIV of 1948), as the case may be, in respect of any person referred to in sub-section (3) of section 20, that the employer may have failed to pay in accordance with either of those Acts.

(2) (*a*) Any person referred to in sub-section (3) of section 20 may prefer before the arbitrator any claim relating to any salary, wages, leave salary, bonus, pension, gratuity, provident fund, or other payment due to him or the proportionate sum thereof in respect of any service rendered by him in connection with the acquired property.

(*b*) Where under any law, award, agreement, contract of service or otherwise, the salary, wages, leave salary, bonus, pension, gratuity, provident fund, security deposit collected from employees or other payment referred to in clause (*a*) becomes payable to the person mentioned in that clause after a specified period of service rendered by such person in connection with the acquired property and where the acquired property vests in the Government under sub-section (1) of section 4 before the expiry of such specified period, the stage carriage operator or the contract carriage operator, as the case may be, shall be liable to pay in respect of such salary, wages, leave salary, bonus, pension, gratuity, provident fund, security deposit or other payment, a sum equal to the sum which bears to the full salary, wages, leave salary, bonus, pension, gratuity,

provident fund, security deposit or other payment payable after the expiry of the said specified period, the same proportion as the period up to the notified date bears to the whole of the said specified period.

(3) Subject to the provisions of sub-section (4), the Government shall, after the claims of secured creditors are satisfied, be entitled to deduct from the amount payable to the stage carriage operator or contract carriage operator a sum equal to the sums required to discharge the liabilities referred to in sub-sections (1) and (2) or obligation of whatever kind (including liability in respect of provident fund or superannuation fund or any other fund subsisting with the stage carriage operator or the contract carriage operator on the notified date) in relation to persons who have become the employees of the corporation or company or the State Transport Department of the Government under sub-section (3) of section 20.

(4) The claims made under sub-section (1) or sub-section (2) and any dispute regarding the sum to be deducted under sub-section (3) shall be decided by the arbitrator who shall follow such procedure as may be prescribed.

Manner of payment of amount for the acquired property.

11. (1) The amount determined under section 6 shall, after the deduction, if any, made under this Act, be given by the Government to the person interested,

(*a*) in cash in one lump sum, where the amount does not exceed 10,000 rupees, and

(*b*) in any other case, at his option, either,—

(i) in cash (to be paid by cheque drawn on the Reserve Bank) in three equal annual instalments, the amount of each instalment carrying interest at the rate of six per cent per annum from the notified date, or

(ii) in saleable or otherwise transferable promissory notes or stock certificates of the Government issued and repayable at par, and maturing at the end of—

(A) ten years from the notified date and carrying interest from such date at the rate of six and a half per cent per annum; or

(B) thirty years from the notified date and carrying interest from such date at the rate of seven and a half per cent per annum ; or

(iii) partly in cash (to be paid by cheque drawn on the Reserve Bank) and partly in such number of securities specified in item (A) or item (B) or both, of sub-clause (ii) as may be required by the person interested ; or

(iv) partly in such number of securities specified in item (A) of sub-clause (ii) and partly in such number of securities specified in item (B) of that sub-clause, as may be required by the person interested.

(2) The first of the three equal annual instalments referred to in sub-clause (i) of clause (*b*) of sub-section (1) shall be paid, and the securities referred to in sub-clause (ii) of that clause shall be issued, within sixty days from the date of receipt by the Government of the option referred to in that clause, or where no such option has been exercised, from the latest date before which such option ought to have been exercised.

(3) The option referred to in clause (*b*) of sub-section (1) shall be exercised by the person interested before the expiry of a period of three months from the notified date (or within such further time, not exceeding three months, as the Government may, on the application of the person interested, allow) and the option so exercised shall be final and shall not be altered or rescinded after it has been exercised.

(4) Any person interested who omits or fails to exercise the option referred to in clause (*b*) of sub-section (1), within the time specified in sub-section (3) shall be deemed to have opted for payment in securities specified in item (A) of sub-clause (ii) of that clause.

(5) Where the amount has been fixed by agreement, it shall be paid in accordance with the terms of the agreement.

Appeals from awards in respect of amount

12. Any person aggrieved by an award may, within thirty days from the date of such award, prefer an appeal to the High Court :

Provided that the High Court may entertain the appeal after the expiry of the said period of thirty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

Arbitrator and authorised officer to have certain powers of civil court.

13. The arbitrator while holding arbitration proceedings under this Act, and the authorised officer while deciding a dispute under section 19, shall have all the powers of a civil court, while trying a suit, under the Code of Civil Procedure, 1908 (Central Act V of 1908), in respect of the following matters, namely :—

(*a*) summoning and enforcing the attendance of any person and examining him on oath ;

(*b*) requiring the discovery and production of any document or other material object which is producible as evidence ;

(*c*) reception of evidence on affidavits ;

(*d*) requisitioning any public record or a copy thereof from any court or office ;

(*e*) issuing commissions for the examination of witnesses or documents.

Bar of applications for fresh permit or for renewal of the existing permit for running any stage carriage or contract carriage.

14. Except as otherwise provided in this Act, and with a view to facilitate the acquisition of the stage carriages or contract carriages within the period specified in section 2 no person shall on or after the 14th January 1973 apply for any new permit or for renewal of the existing permit for the running of any stage carriage or contract carriage in this State. The authority or officer empowered to grant permits under the Motor Vehicles Act, shall, notwithstanding anything contained therein, grant such permit to the corporation or company owned by the Government ; or the State Transport Department of the Government, as the case may be, and to no other.

Every application for the grant of a new permit or for the renewal of an existing permit and all appeals or revisions arising there from or relating thereto made or preferred before the 14th January 1973 and pending in any Court or with any officer, authority or Tribunal constituted under the Motor Vehicles Act on the 14th January 1973 shall abate.

Transfer of stage carriage or contract carriage on or after the 14th

15. No person shall on or after the 14th January 1973 and before the notified date, transfer by way of sale or gift any stage carriage or contract carriage liable to be acquired under this Act except in favour of the Government or corporation or company owned by the Government or

the State Transport Department of the Government. Where any transfer is made, by way of sale in favour of the Government or corporation or company owned by the Government or the State Transport Department of the Government, the price to be paid shall be calculated in accordance with the principles for determining the amount under this Act for such property liable to be acquired under this Act. January 1973 and before the notified date prohibited.

16. Notwithstanding anything contained in this Act or in the Motor Vehicles Act or in any other law for the time being in force, any stage carriage operator or contract carriage operator running any stage carriage or contract carriage in this State shall be entitled to obtain a temporary permit under the Motor Vehicles Act in respect of any stage carriage or contract carriage liable to be acquired under this Act. Such temporary permit shall be for a period of four months in the first instance which may thereafter be extended for further periods of four months at a time until the stage carriage or contract carriage is transferred to the corporation or company or the State Transport Department of the Government referred to in section 20 : Grant of temporary permit to operator.

Provided that nothing contained in this section shall entitle any stage carriage operator or contract carriage operator to obtain any temporary permit in respect of any area or route or portion thereof specified in a scheme published at any time (whether before, on or after the 14th January 1973) under section 68-C of the Motor Vehicles Act.

17. Every transfer of any stage carriage or contract carriage liable to be acquired under this Act in contravention of section 15 shall be void. Transfers in contravention of section 15 to be void.

18. The Government may appoint such number of officers as may considered necessary as administrators for arranging the take over of the acquired property and to carry out such other duties as may be assigned to them by the Government for carrying out the purposes of this Act. Appointment of Administrators.

19. (1) The Government may appoint such number of officers as may be considered necessary and possessing such qualifications as may be prescribed as authorised officers for the purposes of this Act. Appointment of Authorised Officers.

(2) If any dispute arises as to whether any property referred to in sub-section (2) of section 4 was on the notified date being predominantly used for the maintenance or repair of, or otherwise in connection with the service of, stage carriages or contract carriages, such dispute shall be decided by the authorised officer in accordance with such procedure as may be prescribed.

(3) Any person aggrieved by any decision of the authorised officer under this Act may, within thirty days from the date of such decision, prefer an appeal to the Government :

Provided that the Government may entertain the appeal after the expiry of the said period of thirty days, if they are satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

Transfer of acquired property to corporation or company or the State Transport Department of the Government and provisions for existing staff.

20. (1) The Government shall immediately after the vesting of the acquired property under section 4 by order transfer the whole of the said property in favour of such corporation or company owned by the Government or State Transport Department of the Government, as the Government may specify in such order.

(2) Where in pursuance of sub-section (1) any stage carriage or contract carriage is transferred to any corporation or company owned by the Government or the State Transport Department of the Government, the permit in respect of such stage carriage or contract carriage shall, notwithstanding anything contained in the Motor Vehicles Act, be deemed to have been transferred in favour of such corporation or company or State Transport Department of the Government and such permit shall be valid for the unexpired period thereof. After the expiry of the said period, such corporation or company or State Transport Department of the Government shall be exclusively entitled to the renewal of such permit and an application for such renewal may be made by the corporation or company or State Transport Department of the Government at any time before the expiry of the said permit and the period specified in clause (*a*) of sub-section (2) of section 58 of the Motor Vehicles Act, shall not apply to such application.

(3) Every person who is a workman within the meaning of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), and has been, immediately before the 14th January 1973, exclusively employed in connection with the acquired property shall, on and from the notified date, become an employee of the corporation or company

or the State Transport Department of the Government referred to in sub-section (1) and shall hold office or service in such corporation or company or State Transport Department of the Government on the same terms and conditions and with the same rights to pension, gratuity and other matters as would have been admissible to him if the acquired property had not vested in the Government and transferred to such corporation or company or State Transport Department of the Government and continue to do so unless and until his employment in such corporation or company or State Transport Department of the Government is terminated or until his remuneration, terms or conditions of employment are duly altered by such corporation or company or State Transport Department of the Government;

Provided that the number of workmen that shall become employees of the corporation or company or the State Transport Department of the Government under this sub-section shall not exceed the following scale, the junior most being excluded:—

Scale per vehicle.

1. Drivers	2.75	
2. Conductors	2.65	
3. Supervision	0.125	Line Staff and Checking Inspector.
4. Higher Supervision Staff and Managers.	0.075	
5. Ministerial and Secretariat Staff	0.8	
6. Technical staff including Foreman.	2.75	:

Provided further that in the case of such persons to whom labour laws for the time being in force apply, no such termination or alteration of remuneration, terms or conditions of service shall be made except in accordance with such laws.

(4) If any question arises as to whether any person referred to in sub-section (3), was exclusively employed in connection with the acquired property immediately before the 14th January 1973, it shall be decided by the authorised officer and an appeal shall lie to the Government under sub-section (3) of section 19.

(5) For the persons who immediately before the notified date were trustees for any pension, provident fund, gratuity or other like fund constituted for the persons referred to in sub-section (3), other than trustees nominated by or under any law, there shall be substituted as trustees, such persons as the Government may by general or special order specify.

(6) (*a*) All sums deducted by the Government under sub-section (3) of section 10 shall stand transferred to the corporation or company or the State Transport Department of the Government referred to in sub-section (1).

(*b*) Such corporation or company or State Transport Department of the Government shall credit the sums transferred to the appropriate funds or if any part of the sums is payable to the employee directly, such part shall be paid to him directly.

(7) The transfer of an employee to the corporation or company or the State Transport Department of the Government under sub-section (3) shall not entitle any such employee to any compensation and no such claim shall be entertained by any court,tribunal or other authority.

(8) Save as otherwise provided in sub-section (3), the services of every person other than the persons referred to in sub-section (3) employed in connection with the acquired property immediately before the 14th January 1973, shall stand terminated on and from the notified date and if any such person whose services are so terminated, is entitled to any payment by way of gratuity or retirement benefit or for any leave not availed of, or of any other benefits, such person may enforce his claim against his employer under whom he was employed in connection with the acquired property immediately before the notified date, but not against the Government or the corporation or company owned by the Government or the State Transport Department of the Government.

Government or the corporation or company owned by the Government or Department to which the acquired property is transferred to have exclusive privilege of running any stage carriage or contract carriage.

21. Except to the extent otherwise expressly provided in this Act, on and from the notified date, the corporation or company or the State Transport Department of the Government to which the acquired property is transferred under section 20, shall have the exclusive privilege of running such stage carriage or contract carriage. Such corporation or company or State Transport Department of the Government shall, notwithstanding anything contained in the Motor Vehicles Act, be entitled to the grant or renewal of permits under the said Act in respect of any such stage carriage or contract carriage to the exclusion of other persons and any officer or authority under the Motor Vehicles Act shall not invite any application or entertain any such application of other persons, for the grant of permit for the running of any stage carriage or contract carriage.

Transfer of stage carriage or contract carriage among the corporation or company or State Transport Department of the Government.

22. It shall be competent for the corporation or company or the State Transport Department of the Government referred to in section 20 to make any transfer among themselves, of their property by way of sale, exchange, gift or otherwise and the provisions of the Motor Vehicles Act, relating to transfer of ownership of motor vehicles shall not apply to such transfer.

Power to obtain information.

23. The Government may with a view to carrying out the purposes of this Act by order require any person to furnish to such officer as may be specified in the order, such information in his possession as may be specified relating to any stage carriage or contract carriage or other property which is acquired or is liable to be acquired under this Act.

Power to enter and inspect.

24. Any officer empowered in this behalf by the Government by general or special order, may enter any premises and inspect the acquired property with a view to carrying out the purposes of this Act.

Service of orders and notices.

25. (1) Subject to the provisions of this section, and any rules that may be made under this Act, every order or notice made or issued under this Act shall,—

(*a*) in the case of any order or notice of a general nature or affecting a class of persons, be published in the *Tamil Nadu Government Gazette*; and

(*b*) in the case of any order or notice affecting a corporation or firm, be served in the manner provided for the service of summons in rule 2 of Order XXIX or rule 3 of Order XXX, as the case may be, in the First Schedule to the Code of Civil Procedure, 1908 (Central Act V of 1908) ; and

(*c*) in the case of any order or notice affecting an individual person (not being a corporation or firm) be served on such person—

(i) by delivering or tendering it to that person, or

(ii) if it cannot be so delivered or tendered, by delivering or tendering it to any officer of such person or any adult male member of the family of such person, or by affixing a copy thereof on the outer door or on some conspicuous part of the premises in which that person is known to have last resided or carried on business or personally worked for gain ; or failing service by these means,

(iii) by post.

(2) Where the ownership of the acquired property is in dispute or where the persons interested in the said property are not readily traceable and the order or notice cannot be served without undue delay, the order or notice may be served by publishing it in the *Tamil Nadu Government Gazette*, and where possible, by affixing a copy thereof on any conspicuous part of the acquired property or the premises where the acquired property was ordinarily kept before the date of vesting.

Exemptions.

26. Nothing contained in this Act shall apply to,—

(*a*) any stage carriage or contract carriage owned, held or operated by,—

(i) the Central Government ;

(ii) any State Government ;

(iii) any company, or other authority owned or controlled by the Central Government or any State Government ; or

(iv) any such institution as may be approved by the Government in this behalf ; or

(*b*) any stage carriage for which permit is issued by any officer or authority situate outside the State of Tamil Nadu and who or which is not under the control of the Government.

Protection of action taken in good faith.

27. (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

(2) No suit or other legal proceeding shall lie against the Government, the administrator or any other officer for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

Bar of jurisdiction of civil courts.

28. Save as otherwise expressly provided in this Act, no civil court shall have jurisdiction in respect of any matter which the Government are, or an arbitrator or authorised officer is, empowered by or under this Act to determine, and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

Penalty for offences.

29. Whoever contravenes any provision of this Act or any rule or order made or direction given under this Act, or obstructs the lawful exercise of any power conferred by or under this Act, shall be punishable with fine, which may extend to two thousand rupees.

Certain persons to be public servants.

30. Every arbitrator, administrator, authorised officer and every other officer empowered by the Government, while exercising any power or performing any duty under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Central Act XLV of 1860).

Act to override other laws, etc.

31. Save as otherwise provided in this Act, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Motor Vehicles Act or in any other law for the time being in force.

Power to make rules.

32. (1) The Government may make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) the procedure to be followed in arbitration proceedings and appeals under this Act ;

(*b*) the principles to be followed in apportioning the cost of proceedings before the arbitrator and an appeal under this Act ;

(*c*) the manner of service of notices and orders ;

(*d*) any other matter which has to be, or may be, prescribed.

(3) All rules made under this Act shall be published in the *Tamil Nadu Government Gazette* and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(4) Every rule made under this Act shall, as soon as possible after it is made, be placed on the table of both Houses of the Legislature, and if, before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification in any such rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Repeal of Tamil Nadu Ordinance 1 of 1973.

33. (1) The Tamil Nadu Stage Carriages and Contract Carriages (Acquisition) Ordinance, 1973 (Tamil Nadu Ordinance 1 of 1973), is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the said Ordinance including any orders passed, notification issued, rules and appointments made shall in so far as they are not inconsistent with this Act be deemed to have been done or taken under this Act and shall continue in force accordingly, unless and until superseded by anything done or any action taken under this Act.

THE FIRST SCHEDULE.

(*See* section 2.)

STATEMENT SHOWING THE TOTAL NUMBER OF STAGE CARRIAGES OPERATING IN TAMIL NADU DISTRICTWISE.

Serial number and name of the district.	*Total number of permits.*
(1)	(2)
1 The Nilgiris	133
2 Dharmapuri	262
3 Ramanathapuram	423
4 Kanyakumari	439
5 South Arcot	471
6 Salem	496
7 Tirunelveli	500
8 Thanjavur	540
9 North Arcot	598
10 Tiruchirappalli	642
11 Chingleput	645
12 Madurai	845
13 Coimbatore	1,056
14 Madras City	1,371

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THE SECOND SCHEDULE.

(*See* section 6.)

PRINCIPLES FOR DETERMINING AMOUNT.

1. (1) In respect of any stage carriage or contract carriage taken over by the Government, there shall be first determined the acquisition cost of such stage carriage or contract carriage and for any stage carriage or contract carriage registered within the period mentioned in cloumn (1) of the Table below prior to the notified date the amount to be paid shall be the percentage mentioned in the corresponding entry in column (2) of that Table of the acquisition cost :—

THE TABLE.

	Period. (1)	*Percentage.* (2)
1	Not more than six months prior to the notified date ..	85
2	More than six months prior to the notified date but not exceeding one year	75
3	More than one year but not exceeding two years ..	70
4	More than two years but not exceeding three years ..	68
5	More than three years but not exceeding four years ..	67
6	More than four years but not exceeding five years ..	66-2/3
7	More than five years but not exceeding six years ..	59
8	More than six years but not exceeding seven years ..	41
9	More than seven years but not exceeding eight years ..	29
10	More than eight years but not exceeding nine years ..	21
11	More than nine years but not exceeding ten years ..	14
12	More than ten years but not exceeding eleven years ..	10
13	More than eleven years but not exceeding twelve years	7
14	More than twelve years but not exceeding thirteen years	5
15	More than thirteen years	4

Explanation.—For the purpose of this paragraph, "acquisition cost" shall be the aggregate cost of the chassis as well as the body of the stage carriage or contract carriage as charged by the manufacturer of chassis and by the body builder.

(2) If, in the opinion of the authorised officer, any stage carriage or contract carriage so taken over is not road-worthy, such amount as may be determined by him as being the cost likely to be incurred in making the stage carriage or contract carriage road-worthy, shall be ducted from the amount payable for such carriage.

2. In respect of instruments, machinery, tools, plants, apparatus and other equipments other than stores referred to in clause (i) of sub-section (2) of section 4, the amount to be paid shall be the assessed market value.

Explanation.—For the purpose of this paragraph, "assessed market value" shall be the value of instruments, machinery, tools, plants, apparatus and other equipments other than stores referred to in clause (i) of sub-section (2) of section 4, as on the notified date determined by two assessors, one each nominated in this behalf by the Government and the person interested and in case of any disagreement between the assessors, such value as determined by the arbitrator.

3. In respect of land, the amount to be paid shall be the market value of the land fixed by the Collector of the district in accordance with the Land Acquisition Act, 1894 (Central Act I of 1894), without the element of solatium provided in that Act.

4. In respect of buildings, the amount to be paid shall be the market value of the building as estimated by an officer not below the rank of Executive Engineer of the Public Works Department of the Government.

5. In respect of workshops, the amount to be paid shall be the aggregate amount payable under paragraph 2 and the amount payable under paragraphs 3 and 4.

6. (1) In respect of stores used for the maintenance of a stage carriage or contract carriage, the amount to be paid shall be the book value of such stores.

Explanation.—For the purpose of this paragraph, "book value" shall mean the value, on the date immediately preceding the notified date as shown in the last balance sheet by the stage carriage operator or contract carriage operator.

(2) Where the book value is not available, the amount to be paid shall be as on the notified date determined by two assessors, one each nominated in this behalf by the Government and the person interested and in case of any disagreement between the assessors, such value as determined by the arbitrator.

7. In addition to the amount payable under paragraphs 1 to 6, for every permit acquired under this Act, there shall be paid,—

(i) a sum of one hundred rupees, where the unexpired period of the permit is less than fifteen days, and

(ii) in any other case, a sum of two hundred rupees for every complete month, or part of a month exceeding fifteen days of the unexpired period of the permit :

Provided that the amount of compensation under this paragraph shall, in no case, be less than four hundred rupees.